

APPLICANT(S): SHAHAR, Arie et al.  
SERIAL NO.: 10/827,314  
FILED: April 20, 2004  
Page 5

#### **REMARKS**

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

#### **Status of Claims**

Claims 1-3 and 10-14, and 16-21 are pending in the application. Claims 1-3, 10, 13-17, and 19 have been amended. Claims 4-9 and 15 have been canceled without prejudice. New claim 21 has been added.

Applicants respectfully assert that that claim 21 is supported by the specification as originally filed, and that no new matter has been added. It is respectfully submitted that claim 21 is patentable at least by its dependency from amended claim 1.

#### **Claim Objections**

In accordance with the suggestion of the Examiner on page 2 of the Office Action, claims 6, 13, 14, 17, and 19 have been amended to correct minor grammatical errors and to place the same in better form. No new matter has been added. Accordingly, Applicants respectfully request withdrawal of the objections to these claims.

#### **CLAIM REJECTIONS**

##### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1-4, 7, 9, 15, 16, and 18 under 35 U.S.C. § 102(e), as being anticipated by DiJaili et al., US Patent No. 6,765,715.

Applicants respectfully submit that DiJaili fails to teach or suggest all of the features of amended claim 1, and consequently cannot anticipate this amended claim. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. § 102 should be withdrawn.

APPLICANT(S): SHAHAR, Arie et al.  
SERIAL NO.: 10/827,314  
FILED: April 20, 2004  
Page 6

For example, amended claim 1 recites, *inter alia*, an optical splitter “arranged to receive an optical input signal from said input terminal and to split the optical input signal into first and second optical signal components.” It is respectfully submitted that DiJaili does not teach or suggest at least this feature of amended claim 1. Applicants agree with the Examiner’s statement that “DiJaili does not teach a splitter for receiving and splitting a third optical signal into said first optical signal and said second optical signal” (Office Action, page 4).

Furthermore, Applicants respectfully submit that the above feature of amended claim 1 would not have been obvious to a person skilled in the art at the time the invention was made in view of the prior art references on record, specifically in view of DiJaili, alone or in combination with any other prior art references, including the references of Patel and Jensen cited by the Examiner in connection with the §103 rejections, as discussed below.

In view of the above, Applicants respectfully submit amended claim 1 is patentable over the cited prior art references. In addition, it is respectfully submitted that claims 2, 3, 16, and 18 are likewise patentable at least by their dependency from amended claim 1.

As claims 4, 7, 9, and 15 have been cancelled without prejudice or disclaimer, their rejection is now moot.

Accordingly, it is respectfully requested that the rejection of claim 1, and of claims 2-4, 7, 9, 16, and 18 dependent thereon, under 35 U.S.C. § 102 be withdrawn.

### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 5, 6, 8, 10-12, 17, 19, and 20 under 35 U.S.C. § 103(a), as being unpatentable over DiJaili in view of Patel et al., US Pre-Grant Publication No. 2001/0015842. In addition, the Examiner rejected claims 13 and 14 under 35 U.S.C. § 103(a), as being unpatentable over DiJaili in view of Jensen, US Patent No. 4,632,518.

As discussed above, Applicants assert that claim 1, from which all of claims 5, 6, 8, 10-14, 17, 19, and 20 depend, is patentable over any combinations of the prior art references on record. Accordingly, Applicants respectfully assert that claims 10-14, 17, 19, and 20 are likewise patentable at least by their dependency from amended claim 1.

APPLICANT(S): SHAHAR, Arie et al.  
SERIAL NO.: 10/827,314  
FILED: April 20, 2004

Page 7

As claims 5, 6, and 8 have been cancelled without prejudice or disclaimer, their rejection is now moot.

For example, none of the various combinations of the references of DiJaili, Patel, and Jensen, teach or describe an optical chopping device including an optical splitter and an all-optical AND logic gate “having first and second inputs associated with said first and second output terminals [of the splitter], respectively [...] wherein one of said first and second inputs includes an optical delay line,” as recited in amended claim 1. It is respectfully submitted that none of the prior art references of record, either individually or in combination, teach or suggest at least this feature of amended claim 1. Notably, the splitter of Patel, as shown in Figure 3 and described in paragraphs 55-57 of that reference, is associated with only one input of the AND gate of Patel; the other input of the AND gate of Patel is not associated with a splitter.

Furthermore, it is respectfully submitted that the Examiner’s rejection is absent any demonstration or suggestion that it would have been obvious to combine the optical apparatus of DiJaili with the splitter of Patel. The Examiner’s sole stated suggestion that the motivation would have been “to improve the reliability and accuracy of the AND gate [of DiJaili]” (Office Action, page 4) seems to be based on hindsight and lacks a suggestion for a selection of a specific combination of elements.

Thus, DiJaili and Patel, individually or collectively with any other reference, do not teach or describe Applicants’ invention. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

APPLICANT(S): SHAHAR, Arie et al.  
SERIAL NO.: 10/827,314  
FILED: April 20, 2004  
Page 8

**Conclusion**

In view of the foregoing amendments and remarks, Applicants submit that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned counsel to discuss any further issues yet to be resolved in connection with this application.

No fee is deemed necessary in connection with the filing of this amendment. If, however, a fee is necessary, please charge any such fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
Robert D. Schaffer  
Attorney for Applicant(s)  
Registration No. 33,775

Dated: April 20, 2006

**Pearl Cohen Zedek Latzer, LLP**  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801